

EIGHTH DAY

(Wednesday, January 24, 1979)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Andujar, Truan.

A quorum was announced present.

Rabbi Neal Borovitz, B'nai Brith Hillel Foundation, Austin, offered the invocation as follows:

Elohaynu Vaylohay Avotanu V'Ematanu

Our God and God of our ancestors, we ask Your blessing upon the Members of the Senate of the State of Texas. They have gathered here today to deliberate upon the public affairs of this state. May they always resist the temptation of the expedient in favor of the ethical choice. Grant them O Lord, the wisdom and insight necessary to write good laws which will translate into our contemporary situation Your divine moral teaching. May each of us always listen to that still, small voice, some call conscience, others call God. May the Members of this great legislative body have the peace of mind that they have served You and the people of Texas to the best of their ability.

Finally we ask You O Lord for a blessing of peace. Peace for us and for people around the world. This day we especially ask that You turn Your attention to the people of Iran. Help them from falling under the arm of tyranny and oppression. Grant us the American people the sensitivity to be helpful without interfering.

Osseh Shalom Bimramav Hu Yaaseh Shalom Aleynu V'Al Kal Bnei Adam V'Imru Amen.

May He who causes peace in the high heavens above grant peace unto all mankind as we say Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

Senator Andujar was granted leave of absence for today on account of important business on motion of Senator Snelson.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled resolutions:

H.C.R. 8
H.C.R. 29

REPORTS OF STANDING COMMITTEES

Senator Jones of Harris submitted the following report for the Committee on Administration:

C.S.S.R. 20 (Read first time)
S.R. 16

Senator Farabee submitted the following report for the Committee on Jurisprudence:

C.S.S.B. 45 (Read first time)
S.B. 47
S.B. 89
S.B. 106

SENATE CONCURRENT RESOLUTION 16
LAID ON TABLE SUBJECT TO CALL

On motion of Senator Braecklein and by unanimous consent, **S.C.R. 16** was Laid on Table Subject to Call.

SENATE RESOLUTION 24

Senator Traeger offered the following resolution for Senator Truan:

S.R. 24, Recognizing the University System of South Texas as a new and significant addition to the total network of higher education in this State.

TRUAN

The resolution was read and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
January 24, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

H.C.R. 9 commending Grayson County Judge Les Tribble on the occasion of his retirement

H.C.R. 14 authorizing the Texas Jaycees to use House and Senate chambers for Legislative Seminar on January 27, and 28, 1979

RESPECTFULLY,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 248 by Moore Economic Development
Relating to regulation of motor vehicle manufacturers and distributors and their dealers and representatives, and providing annual license fees.

S.B. 249 by Brooks Jurisprudence
Authorizing honorably retired peace officers to carry handguns; relating to the termination of such authorization under certain conditions; amending Section 46.03, Penal Code, as amended.

S.B. 250 by Brooks Finance
Relating to the authority of the State Board of Education to allocate and distribute certain federal funds to the public junior colleges.

S.B. 251 by Brooks Education
Relating to the length of contract for school district vocational supervisors.

S.B. 252 by Brooks Natural Resources
Relating to jurisdiction over industrial solid waste; amending Subsection (c), Section 3, Solid Waste Disposal Act, as amended (Article 4477-7, Vernon's Texas Civil Statutes).

S.B. 253 by Creighton Intergovernmental Relations
Relating to the issuance of certificates of obligation, competitive bidding requirements for issuers of certificates of obligation, and the validation of previously authorized certificates of obligation.

S.B. 254 by Jones of Harris Jurisprudence
Relating to the offenses of arson, criminal mischief, and reckless damage or destruction of property; and declaring an emergency.

S.B. 255 by Jones of Harris Jurisprudence
Relating to appeals from certain interlocutory orders in class action suits.

S.B. 256 by McKnight, Schwartz Intergovernmental Relations
Relating to the civil jurisdiction of the county courts at law.

S.B. 257 by McKnight Natural Resources
Relating to the definition of common reservoir of an oil, gas, or oil and gas field.

S.B. 258 by Mauzy Jurisprudence
Relating to payments to the workers' compensation Second Injury Fund.

S.B. 259 by McKnight State Affairs
Relating to the regulation of certain irrigators; and providing penalties.

- S.B. 260** by Santiesteban Education
Relating to establishment of a state telecommunications network.
- S.B. 261** by Harris Economic Development
Setting the limits permitted for group life insurance coverage for officials, employees, and retirees of county and political subdivisions of the state at the amounts authorized for coverage under group life insurance plans in general.
- S.B. 262** by Vale Finance
Relating to exemption from school district ad valorem taxes of part of the value of the residence homestead of an individual who is 65 years of age or older or who is disabled.
- S.B. 263** by Meier Economic Development
Relating to the time for filing certain lawsuits against manufacturers, suppliers, sellers, lessors, and bailors.
- S.B. 264** by Meier Economic Development
Relating to the tort theory of recovery in an action for damages resulting from a defectively designed product.
- S.B. 265** by Meier Economic Development
Relating to the state of the art as an absolute defense in actions for damages based on strict liability in tort, negligence or implied warranty.
- S.B. 266** by Brooks Human Resources
Amending Article 4447s, V.T.C.S. (Acts 1977, 65th Legislature, ch. 621 at 1528), relating to disclosure by certain professions and occupations of name and net amount paid for tests by laboratories, and declaring an emergency.
- S.B. 267** by Harris Economic Development
Relating to amendment of Paragraph 1 of Subdivision A of Part II of Article 3.39 of the Texas Insurance Code, as amended, to provide that domestic life insurance companies may loan any of their funds and accumulations on first liens upon real estate, setting certain limitations and conditions upon such loans and declaring an emergency.
- S.B. 268** by Harris Economic Development
Relating to the amendment of Article 3.12, Insurance Code of the State of Texas as amended; increasing the amount of salary, compensation or emolument authorized by law to be paid to any officer, trustee, or director of a domestic insurance company, or to any person, firm, or corporation, without a vote of the board of directors of such company, to Fifty Thousand Dollars; and declaring an emergency.
- S.B. 269** by Santiesteban Natural Resources
Relating to hunting and fishing licenses for disabled residents.
- S.B. 270** by Santiesteban Jurisprudence
Relating to the periodic review of placements of children under the care, custody, or conservatorship of the Texas Department of Human Resources.
- S.B. 271** by Short Economic Development
Relating to the disclosure of foreign investment in real property and providing a penalty.

- S.B. 272** by Short Jurisprudence
Relating to payment of court appointed counsel by the state.
- S.B. 273** by Santiesteban Human Resources
Relating to the practice of professional nursing; defining professional nursing; granting the Board of Nurse Examiners the power to promulgate rules and regulations, to establish standards of professional conduct and ethics, and to regulate the practice of professional nursing; granting the Board injunctive powers; specifying the educational programs which are to be represented on the Board; establishing the minimum score required on the entrance examination; eliminating recording of certificate with county clerk; connecting the date of re-registration to birthdates; modifying the reasons for and procedures relating to disciplinary actions and permitting probation in such actions; providing for inactive status; modifying and establishing fees; modifying criminal penalties; amending Chapter 7, Title 71, Revised Civil Statutes of Texas, 1925, as amended, by amending Articles 4513, 4518, 4519, 4520, 4525, 4526, 4527-1, and 4527b, repealing Article 4524 and adding Articles 4526a and 4527c; providing for severability; providing a repealing clause; and declaring an emergency.
- S.B. 274** by Harris Intergovernmental Relations
Relating to the number of members on the board of trustees of a street transportation system; amending Section 11, Chapter 505, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 1118w, Vernon's Texas Civil Statutes); and declaring an emergency.
- S.B. 275** by Farabee Education
Relating to the issuance of subpoenas by local school boards; adding Sec. 23.33, Texas Education Code; and declaring an emergency.
- S.B. 276** by Doggett, Price Human Resources
Relating to regulation of nursing home administrators.
- S.B. 277** by Doggett Human Resources
Relating to funerals and embalming; providing penalties.
- S.B. 278** by Doggett Human Resources
Relating to abolition of the Burial Association Rate Board and transfer of its powers, duties, and functions.
- S.B. 279** by Doggett Economic Development
Relating to regulation of motor vehicle manufacturers and distributors and their dealers and representatives.
- S.B. 280** by Doggett, Schwartz Jurisprudence
Relating to regulation of attorneys.
- S.B. 281** by Schwartz, Doggett, Jones of Harris Jurisprudence
Relating to regulation of lawyers by the Supreme Court and the Board of Law Examiners.
- S.B. 282** by Doggett, Schwartz State Affairs
Relating to regulation of persons who practice public accountancy; providing penalties.

S.B. 283 by Doggett Economic Development
Relating to the regulation of real estate brokers and salesmen.

S.B. 284 by Short Education
Relating to the expulsion of certain foreign students from public institutions of higher education.

S.B. 285 by Harris Economic Development
Relating to grants and loans by the Texas Aeronautics Commission.

S.C.R. 17 by Vale Administration
Directing the State Board of Control to reassign rooms presently occupied by the Secretary of State to the Senate of the State of Texas.

S.C.R. 18 by Santiesteban Administration
Providing for the appointment of a committee to designate the Texas State Artist.

HOUSE CONCURRENT RESOLUTION 20 ON SECOND READING

The President laid before the Senate on its second reading:

H.C.R. 20, Inviting President Carter, and Vice-President Mondale to address a Joint Session of the Legislature.

The resolution was read.

On motion of Senator Blake and by unanimous consent, the resolution was considered immediately and was adopted.

HOUSE CONCURRENT RESOLUTION 14 ON SECOND READING

The President laid before the Senate on its second reading:

H.C.R. 14, Authorizing the Texas Jaycees to use House and Senate Chambers for Legislative Seminar on January 27 and 28, 1979.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 16 ORDERED NOT PRINTED

On motion of Senator Jones of Harris and by unanimous consent, **S.R. 16** was ordered not printed.

SENATE RESOLUTION 16 ON SECOND READING

The President laid before the Senate on its second reading:

S.R. 16, Providing procedures for the Local and Uncontested Calendar during the 66th Legislature.

The resolution was read and was adopted by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar, Truan.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator McKnight gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**COMMITTEE SUBSTITUTE SENATE RESOLUTION 20 ORDERED
NOT PRINTED**

On motion of Senator Jones of Taylor and by unanimous consent, **C.S.R. 20** was ordered not printed.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE SENATE RESOLUTION 20 ON
SECOND READING**

The President laid before the Senate on its second reading:

C.S.R. 20, Providing for an Intent Calendar for the 66th Legislature.

The resolution was read.

On motion of Senator Jones of Taylor and by unanimous consent, consideration of **C.S.R. 20** was temporarily withdrawn.

SENATE CONCURRENT RESOLUTION 3 ON SECOND READING

On motion of Senator Braecklein and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading:

S.C.R. 3, Granting Sperry Rand Corporation permission to sue the State of Texas.

The resolution was read second time and was adopted.

MESSAGE FROM THE HOUSE

House Chamber
January 24, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

S.C.R. 9 declaring January 25, 1979, Robert E. Lee Elementary School Day
in Port Arthur.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives